IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

WP(C).No. 34842 of 2007(W)

PETITIONER:

PADMARAJ.E.M., OPERATOR,
W.P.S.P. SECTION, KERALA WATER AUTHORITY,
VADAKARA.

BY ADV. SRI.P.J.MATHEW

RESPONDENTS:
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1. **THE STATE OF KERALA, REPRESENTED BY**
   THE PRINCIPAL SECRETARY TO GOVERNMENT,
   WATER RESOURCES DEPARTMENT, GOVT. SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE MANAGING DIRECTOR,**
   KERALA WATER AUTHORITY, JALA BHAVAN,
   THIRUVANANTHAPURAM.

3. **THE EXECUTIVE ENGINEER,**
   P.H.DIVISION, KERALA WATER AUTHORITY,
   VADAKARA.

4. **THE ASSISTANT EXECUTIVE ENGINEER,**
   W.S.P. SUB-DIVISION, KERALA WATER AUTHORITY,
   VADAKARA.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN
SRI.J.KRISHNAKUMAR , SC – R2 TO R4

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C)NO.34842 OF 2007

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Dated this the 4th day of December 2007

JUDGMENT

The petitioner is working as an Operator in the Water Authority. According to him, he was absorbed as NMR Operator with effect from 1.4.1984 as evidenced by Ext.P1 order. Petitioner contends that when he was absorbed into regular establishment, he was wrongly included in the list of unqualified NMR workers. Reference in this regard is made to Ext.P3 Certificate and Ext.P4 mark list to show that the petitioner is actually qualified. Reference is also made to Ext.P8 Audit Enquiry in which apparently, an objection was raised as regards the fixation of the pay of the petitioner as an unqualified Operator, though he was qualified for the post in question. In my view, a final decision will have to be taken in this regard by the second respondent, considering the question as to whether the petitioner is qualified to be absorbed as an NMR Operator.

2. After having heard the learned counsel for the petitioner and the learned standing Counsel also, the writ petition is disposed of directing the second respondent to look into Ext.P5 in the light of Exts.P6 and P7, and take a decision thereon, within a period of two

months from the date of receipt of a copy of this judgment. If there is any proposal to pass any order adverse to the petitioner, he shall be heard in that regard.

V.GIRI, JUDGE

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